

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

Christopher Morse,)	
)	
Plaintiff,)	
)	
V.)	Case No. 11-3322-CV-W-JTM
)	
New Prime, Inc.,)	
)	
Defendant.)	

ORDER

Pending before the Court is *Plaintiff's Motion To Remand*, filed September 28, 2011, [Doc. 4]. Defendant has filed no response to plaintiff's motion. After due consideration of the issues presented, and in light of the fact that this matter was improvidently removed under 28 U.S.C. §1441(b) inasmuch as Defendant New Prime, Inc., is a citizen of Missouri, the state in which this action was originally brought, it is

ORDERED that *Plaintiff's Motion To Remand*, filed September 28, 2011, [Doc. 4] is **GRANTED**. Accordingly, the Clerk of the Court is directed to remand this matter to the Circuit Court of Greene County, Missouri. It is further

ORDERED that, in accordance with 28 U.S.C. §1447 (c), Defendant New Prime, Inc. shall pay the costs and actual expenses, including attorney fees, incurred by Plaintiff Christopher Morse as a result of the removal.

/s/ John T. Maughmer
JOHN T. MAUGHMER
U. S. MAGISTRATE JUDGE